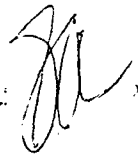


DATE: September 17, 1987

TO: Greg Trainor

FROM: Gerald Ashby, City Attorney



This memorandum is not designed to solve the basic problem of connection to the sewerage system but only to clarify who orders who to do what. I am attaching a copy of the state statute on the question of the 400 foot limit.

Without going into too much detail, unless you need that detail at some later time, all ordered connections to any part of the system in the county are governed by the state statute. The county commissioners are to direct the connection upon notice from the health department. In the city, all such ordered connections come through you. You do not have any authority in the county except what is given you by the commissioners, and the commissioners must accomplish ordered connections under the terms of and with the method

prescribed in the statutory section.

If you have any questions, let me know.

Attachments

cc: Mark Achen, City Manager  
Jim Shanks, Public Works Director

30-20-416. Compulsory sewer connections - owner to be notified. (1) In addition to the powers already had by counties, they have the following powers as enumerated below:

(a) Whenever the board of county commissioners of a county having a public sewerage system determines that the county sewer line is within four hundred feet of the boundary line of any premises located within the county and the board deems it necessary for the protection of public health that the owners of one or more of such premises shall connect their premises with the public sewer, thirty days' notice in writing shall be given to said owners, by registered mail, notifying them to connect their premises with the sewer, the date of the notice to begin as of the date of registering the same for mailing;

(b) If the work of making the connection is not begun within thirty days, the board shall notify the county engineer to prepare plans and specifications for making the connection with the public sewer, including water and service pipe for flushing purposes, if the owner has given notice and proof to said board of his financial inability to make the connection himself and if it is only for the necessary connection of a water closet or of a privy in an outhouse or both.

Source: L. 71, p. 364, § 1; C.R.S. 1963, § 36-29-16.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 573.

30-20-417. Resolution adopted. The plans or specifications shall be filed in the county clerk and recorder's or engineer's office, and a resolution shall be adopted by the board ordering or prescribing in general terms the contemplated sewerage connections, giving location of the premises and the name of the owner and authorizing the county clerk and recorder to advertise for bids. The advertisement for bids shall be the same as is now provided for in other cases wherein counties receive bids. The board of county commissioners shall let the contract to the lowest responsible bidder who shall furnish satisfactory security, but it shall have the right to reject all bids.

Source: L. 71, p. 364, § 1; C.R.S. 1963, § 36-29-17.

30-20-418. Cost of connection. The entire costs of all sewerage and water connections, closets, equipment pipe, sewer pipe, labor, and necessary engineering, legal, and publication expenses shall be ascertained by the board of county commissioners, including an amount of six percent additional for costs of inspection, collections, and other incidentals. The cost to each owner shall be determined according to the material used and work done under the contract in connecting such property to the public sewer and water main. The engineering, legal, and publication expenses shall be charged in proportion as each connection bears to the whole. The cost to each owner shall be billed to him and if unpaid shall be collected in the same manner as other rates, fees, tolls, and charges of the system.

Source: L. 71, p. 365, § 1; C.R.S. 1963, § 36-29-18.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 574.